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Attorneys for Plaintiff,
MILDRED BITTNER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA—SACRAMENTO DIVISION

MILDRED BITTNER,
Plaintiff,

v.

KOHL'S, INC.,
Defendant

Case No. 2:20-CV-01527-TLN-CKD

[Removal from the Superior Court of California, County of Sacramento, Case No. 34-2020-00280791]

**STIPULATION OF THE PARTIES
TO REMAND THE CASE TO STATE
COURT AND ORDER THEREON**

The Parties hereby stipulate to have this case remanded to Sacramento County Superior Court pursuant to 28 USC § 1447. This stipulation is made by and between Plaintiff Mildred Bittner (“Plaintiff”) and Defendant Kohl’s, Inc. (“Defendant”—by and through their respective counsel of record.

The Parties agree that:

1. On or about June 17, 2020, Plaintiff, a California resident, filed a complaint in Sacramento County Superior Court, Case No. 34-2020-00280791;

2. On or about July 30, 2020, Defendant, a Delaware corporation whose principal place of business is Menomonee Falls, Wisconsin, removed the case to the United States District Court, Eastern District of California, Case No. 2:20-CV-01527-TLN-CKD, based on diversity jurisdiction:

3. On or about August 10, 2020, Plaintiff, Plaintiff's counsel, and Defendant's counsel

1 entered into a stipulation limiting Plaintiff's damages to \$74,999.99—exclusive of interest and
2 costs. A true and correct copy of the Stipulation is attached hereto and marked as **Exhibit A**.

3 4. Thus, Plaintiff can prove that she would not be able to recover more than the
4 jurisdictional amount of \$75,000.00—excluding interest and costs.

5 WHEREFORE, the parties hereby agree, stipulate, and request that this case be remanded
6 to Sacramento County Superior Court, Case No. 34-2020-00280791.

7
8 Dated: August 19, 2020

GUENARD & BOZARTH, LLP

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10 _____/s/
11 By: Glenn Guenard, Attorneys for
Plaintiff MILDRED BITTNER

12
13 Dated: August 19, 2020

LIVINGSTON LAW FIRM

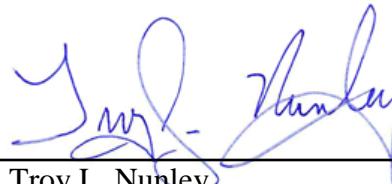
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15 _____/s/
16 By: Crystal L. Van Der Putten, Attorneys for
Defendant KOHL'S, INC.

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18 **ORDER**

19 The Court, having reviewed the joint stipulation of the Parties, and good cause appearing
20 therefore, orders that this case be remanded to Sacramento County Superior Court, Case No. 34-
21 2020-00280791, and that each party shall bear its own attorneys' fees and costs incurred in
22 connection with the removal of this action to federal court and the remand.
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24 **IT IS SO ORDERED.**

25 Dated: August 19, 2020

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Troy L. Nunley
United States District Judge

EXHIBIT A

LIVINGSTON LAW FIRM
A Professional Corporation
1600 South Main Street, Suite 280
Walnut Creek, CA 94596
Tel: (925) 952-9880
Fax: (925) 952-9881
Email:

Attorneys for Defendant
KOHL'S, INC.

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO - UNLIMITED CIVIL

MILDRED BITTNER,) Case No. 34-2020-00280791
Plaintiff,)
v.) **STIPULATION LIMITING PLAINTIFF'S
DAMAGES**
KOHL'S, INC., et al.,) Complaint Filed: June 16, 2020
Defendants.) Trial Date: None

Plaintiff MILDRED BITTNER and defendant KOHL'S, INC., by and through their respective counsel, hereby stipulate as follows:

WHEREAS, plaintiff MILDRED BITTNER commenced a civil action on June 16, 2020, in Sacramento County Superior Court, Unlimited Jurisdiction, in the State of California, entitled *Mildred Bittner v. Kohl's, Inc. et al.*, Case No. 34-2020-00280791. In said action, plaintiff seeks personal injury damages under theories of premises liability and general negligence arising from an incident occurring on October 10, 2018, at the KOHL's store located 9650 Bruceville Road, Elk Grove, California, and resulting in alleged injuries.

WHEREAS, plaintiff is a citizen of the State of California.

WHEREAS, KOHL's is a Delaware corporation whose principal place of business is Menomonee Falls, Wisconsin.

WHEREAS, plaintiff's damages potentially exceed \$74,999.99 (Seventy-Four Thousand Nine Hundred Ninety-Nine Dollars and Ninety-Nine Cents).

Bittner v. Kohl's, Inc., et al., Case No. 34-00280791
STIPULATION LIMITING PLAINTIFF'S DAMAGES

1 WHEREAS, the citizenship of the parties and the potential amount in controversy allow
2 for federal diversity jurisdiction.

3 WHEREAS, plaintiff agrees she will not seek damages for, nor collect any judgment in
4 excess of, \$74,999.99 (Seventy-Four Thousand Nine Hundred Ninety-Nine Dollars and Ninety-
5 Nine Cents), exclusive of interest and costs, in the above-captioned action.

6 WHEREAS, KOHL's will not seek to remove this action to the United States District
7 Court on the basis of diversity jurisdiction given plaintiff's limitation on damages.

8 **IT IS SO STIPULATED.**

9 Dated: July 2020

GUENARD & BOZARTH, LLP

10 August 7, 2020

11 By _____

12 Glenn S. Guenard
13 Anthony C. Wallen
14 Attorneys for Plaintiff
MILDRED BITTNER

15 Dated: August 10, 2020

LIVINGSTON LAW FIRM

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APPROVAL OF PLAINTIFF

Dated: July 29 2020

23 Mildred Bittner
24 Mildred Bittner

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